IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 481 OF 2005

Smt.Pushpa Dwarkadas Ruparelia. ... Appellant.
Versus.
The Slum Rehablitation Authority
and others. ... Respondents.

Shri P.K.Dhakephalkar i/by Shri Sachin Dhakephalkar for the Appellant.

Shri V.A.Thorat, Senior Counsel i/by Shri L.S.Shukla for the Respondent No.2.

CORAM : ABHAY S. OKA, J.

DATED : 25th April, 2005.

P.C.:

1. Confronted with the fact that the suit filed by the Appellant/Plaintiff is not for possession, Shri P.K.Dhakephalkar, the learned Counsel appearing for the Appellant states that he will be making an appropriate application in the trial Court for amendment of the plaint and to enable him to do so, he may be permitted to withdraw the Appeal from Order. He states that he may be granted liberty to take out a Notice of Motion for interim relief after making application for amendment of the plaint. The said prayer is not seriously opposed by the learned Counsel appearing for the Respondent No.2.

2. Hence the following order is passed:

(i) The Appeal is dismissed as withdrawn. The dismissal of the Appeal will not prevent the Appellant for making an appropriate application for amendment of the plaint and thereafter taking out appropriate application for interim relief.

(ii) There will be no order as to costs.

(iii) The parties and the trial Court to act on authenticated copy of the order.

Judge.